

UNITED STATES DISTRICT COURT

Western District of North Carolina

UNITED STATES OF AMERICA

V.

CROWELL FARMS, INC.

) **JUDGMENT IN A CRIMINAL CASE**

) (For Offenses Committed On or After November 1, 1987)

)

)

) Case Number: DNCW116CR000113-001

) USM Number: N/A

)

) Stephen Lacy Cash

) Defendant's Attorney

THE DEFENDANT:

- ☒ Pled guilty to count 1.
- ☐ Pled nolo contendere to count(s) which was accepted by the court.
- ☐ Was found guilty on count(s) after a plea of not guilty.

ACCORDINGLY, the court has adjudicated that the defendant is guilty of the following offense:

Title and Section	Nature of Offense	Date Offense Concluded	Counts
33 U.S.C. §§ 1311(a) and 1319(c)(2)(A), and 18 U.S.C. § 2	Violation of the Federal Water Pollution Control Act ("Clean Water Act"), Aid and Abet	12/31/2015	1

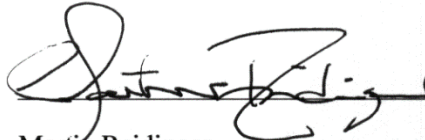
The Defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984, United States v. Booker, 125 S.Ct. 738 (2005), and 18 U.S.C. § 3553(a).

- ☐ The defendant has been found not guilty on count(s).
- ☐ Count(s) (is)(are) dismissed on the motion of the United States.


IT IS ORDERED that the Defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay monetary penalties, the defendant shall notify the court and United States attorney of any material change in the defendant's economic circumstances.

Date of Imposition of Sentence: 6/1/2017

Signed: June 7, 2017



Martin Reidinger
United States District Judge



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PROBATION

The defendant shall be on probation for a term of THREE (3) YEARS.

☐ The condition for mandatory drug testing is suspended based on the court's determination that the defendant poses a low risk of future substance abuse.

CONDITIONS OF SUPERVISION

The defendant shall comply with the mandatory conditions that have been adopted by this court.

1. The defendant shall not commit another federal, state, or local crime.

ADDITIONAL CONDITIONS:

2. During the probation period, the defendant shall permit the U.S. Environmental Protection Agency; the North Carolina State Bureau of Investigation, Diversion and Environmental Crimes Unit; the North Carolina Department of Environment and Natural Resources; or any other regulatory agency, to inspect the defendant's books and records and any of its physical facilities and equipment without notice and without a warrant or further permission of the defendant or its employees, officers, or agents.
3. During the probation period, the defendant shall have an independent duty to report immediately to the Court, through the U.S. Probation Office, any violation, or possible violation, of the agreement with the State of North Carolina, any orders of the Court, or any environmental law, regulation, ordinance, or other environmental requirement.
4. The defendant shall design and implement a comprehensive environmental compliance program consistent with sentencing policies set forth in USSG §8D1.4. Such program shall be subject to the approval of the U.S. Environmental Protection Agency.
5. The defendant shall comply with all terms of the Consent Judgment entered with the State of North Carolina (Doc. 40-4).

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CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total criminal monetary penalties in accordance with the Schedule of Payments.

ASSESSMENT	FINE	RESTITUTION
\$400.00	\$40,000.00	\$0.00

☐ The determination of restitution is deferred until Select Date. An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.

FINE

☒ The defendant shall pay to the United States a fine of \$40,000, as follows:

1. The Defendant has agreed to pay a fine of \$27,000 to the State of North Carolina as part of a consent judgment related to the same overall circumstances that form the basis for the instant Federal case. The \$40,000 fine in this Federal case will be reduced by the amounts paid to the State.
2. Pursuant to USSG §8B1.3, and in furtherance of the sentencing principles provided for under 18 U.S.C. §3553(a), the Defendant shall pay the fine as a Community Service payment for the explicit goal of funding environmental projects and initiatives designed for the benefit, preservation, and restoration of the waters of the United States in the Western District of North Carolina. The designated projects and initiatives shall be set forth in a recommendation from the United States Department of Justice, such that half of the amount would be directed to the Southern Environmental Enforcement Network ("SEEN"), an alliance of regulatory and law enforcement agencies; and half of the amount to the French Broad Riverkeeper, a charitable and nonprofit entity.
3. Because the community service payments are designated as community service by an organization, the Defendant shall not seek any reduction in its tax obligations as a result of these community service payments. In addition, since these payments constitute community service, the Defendant shall not characterize, publicize or refer to these community service payments as voluntary donations or contributions.
4. The fine/community service payment is due in full by the end of the first year of probation.

The defendant shall pay interest on any fine or restitution of more than \$2,500.00, unless the fine or restitution is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on the Schedule of Payments may be subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).

☐ The court has determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ The interest requirement is waived.

☐ The interest requirement is modified as follows:

COURT APPOINTED COUNSEL FEES

☐ The defendant shall pay court appointed counsel fees.

☐ The defendant shall pay \$0.00 towards court appointed fees.

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SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

- A ☒ Lump sum payment of \$2,000.00 due immediately, balance due
 ☐ Not later than _____
 ☒ In accordance with ☒ (C), ☐ (D) below; or
- B ☐ Payment to begin immediately (may be combined with ☒ (C), ☐ (D) below); or
- C ☒ Payment in equal Monthly (E.g. weekly, monthly, quarterly) installments of \$1,100.00 to commence 30 (E.g. 30 or 60) days after the date of this judgment; or
- D ☐ Payment in equal Monthly (E.g. weekly, monthly, quarterly) installments of \$ 50.00 to commence 60 (E.g. 30 or 60) days after release from imprisonment to a term of supervision. In the event the entire amount of criminal monetary penalties imposed is not paid prior to the commencement of supervision, the U.S. Probation Officer shall pursue collection of the amount due, and may request the court to establish or modify a payment schedule if appropriate 18 U.S.C. § 3572.

Special instructions regarding the payment of criminal monetary penalties:

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court costs:
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Unless the court has expressly ordered otherwise in the special instructions above, if this judgment imposes a period of imprisonment payment of criminal monetary penalties shall be due during the period of imprisonment. All criminal monetary penalty payments are to be made to the United States District Court Clerk, 401 West Trade Street, Room 210, Charlotte, NC 28202, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program. All criminal monetary penalty payments are to be made as directed by the court.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

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STATEMENT OF ACKNOWLEDGMENT

I understand that my term of supervision is for a period of _____ months, commencing on _____.

Upon a finding of a violation of probation or supervised release, I understand that the court may (1) revoke supervision, (2) extend the term of supervision, and/or (3) modify the conditions of supervision.

I understand that revocation of probation and supervised release is mandatory for possession of a controlled substance, possession of a firearm and/or refusal to comply with drug testing.

These conditions have been read to me. I fully understand the conditions and have been provided a copy of them.

(Signed) _____ Date: _____
Defendant

(Signed) _____ Date: _____
U.S. Probation Office/Designated Witness